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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 FREECYCLESUNNYVALE, a California  
9 unincorporated association,

No. C 06-00324 CW

10 Plaintiff/Counterclaim-  
11 Defendant,

ORDER GRANTING IN  
PART AND DENYING  
IN PART  
DEFENDANT'S  
AMENDED MOTION TO  
SEAL

12 v.

13 THE FREECYCLE NETWORK, INC., an  
14 Arizona corporation,

[DOCKET NO. 119]

15 Defendant/Counterclaimant.  
16 \_\_\_\_\_/

17 On September 6, 2007, Defendant and Counterclaimant the  
18 Freecycle Network filed a motion to file multiple exhibits to the  
19 declarations of Lisa Kobialka and Deron Beal under seal. Defendant  
20 filed a declaration in support of the motion stating only that the  
21 documents "contain information that The Freecycle Network and/or  
22 Plaintiff FreecycleSunnyvale consider to be confidential,  
23 proprietary, and/or trade secret information." Kobialka  
24 Declaration at 2. The Court denied the motion without prejudice  
25 and instructed Defendant to file an amended motion to seal and  
26 further declarations in support of the motion. Defendant has now  
27 done so.

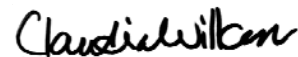
28 Defendant seeks to file under seal two categories of

1 materials, emails posted on Defendant's modsquad message boards and  
2 documents created by Defendant's trademark team. Defendant states  
3 that the modsquad message boards "are official forums" that  
4 "provide[] a private forum for moderators to discuss group  
5 challenges, vote on issues, debate community standards, and to  
6 share questions and experiences." Beal Declaration ¶ 2. However,  
7 Beal notes that approximately 2600 volunteer moderators belong to  
8 the group. Further, there is no evidence that these volunteers are  
9 instructed to keep the communications from the group private.  
10 Therefore, the Court DENIES Defendant's motion to file under seal  
11 exhibits 1, 3-5, 9-14, 16, 18-20, 26, 28-31, 33-39, 47, 50, 54, 56,  
12 58, 59, 61, 66-69, 71, 72, 74, 76-87, 90-94, 97-101, 103 and 105-  
13 109 to the Declaration of Lisa Kobialka and exhibits 8-11, 13, 15,  
14 16, 20 and 23-41 to the declaration of Deron Beal. Defendant shall  
15 file these exhibits in the public record.

16 The remaining documents that Defendants seek to file under  
17 seal are lists of groups it has identified as failing to comply  
18 with its policies. Beal declares that these lists are Defendant's  
19 confidential information. The Court GRANTS Defendant's motion to  
20 file under seal exhibits 88 and 89 to the Kobilaka Declaration and  
21 exhibits 42 and 43 to the Beal Declaration. Defendant shall  
22 resubmit one copy of these documents to be filed under seal.

23 IT IS SO ORDERED.

24  
25 Dated: 9/21/07



26 CLAUDIA WILKEN  
27 United States District Judge  
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